IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 22910 of 2007(B)

PETITIONER:

FRANCIS ABRAHAM, AGED 42,
S/O.ABRAHAM, SECRETARY, SWATANTRA MATSYA
THOZHILALI FEDERATION, VEMBUZHA UNIT, ALLEPPEY,
RESIDING AT PUTHENVEETTIL, CHINGOLY P.O.,
ALAPPUZHA.

BY ADV. SRI.K.C.ELDHO

RESPONDENTS:

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1. **CHAIRMAN AND MANAGING DIRECTOR,**
   NATIONAL THERMAL POWER CORPORATION LIMITED
   (NTPC), NEW DELHI.

2. **THE GENERAL MANAGER,**
   KAYAMKULAM COMBINED CYCLE PROJECT,
   NATIONAL THERMAL POWER CORPORATION LIMITED,
   CHOOLATHERAVU P.O., ALLEPPEY DISTRICT.

3. **UNION OF INDIA,**
   REPRESENTED BY SECRETARY TO THE GOVERNMENT,
   MINISTRY OF INDUSTRY, CENTRAL SECRETARIAT,
   NEW DELHI.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR for R3
SRI. AJITH KRISHNAN, ADDL.CGSC
SRI.K.ANAND (A.201) for R2
SMT.LATHA KRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 22910 OF 2007

Dated this the 12th day of November, 2007

J U D G M E N T

Petitioner is a fisherman who claims to be affected on account of the establishment of NTPC at Kayamkulam. For this reason petitioner prays that he should be rehabilitated on the basis of Exts, P1 and P2 circulars extending benefits to similar persons. 1st respondent has filed a counter affidavit in which it is stated that as per the rehabilitation policy of the respondents, eligible Project Affected Persons have been rehabilitated. It is stated that about 827 of kayal farm workers were retrenched on handing over the land and in addition to this, 225 Fishermen whose income was affected temporarily/partially due to dredging and another 1172 persons were also added to the list of PAPs. Thus the respondents had identified 2224 Project Affected Persons. It is stated that as per their scheme various self employment schemes and self income generating schemes were implemented and that based on their options, some of those persons were given financial assistance also. Thus the respondents have discharged their obligations and that they are not

liable to extent the benefit of the scheme any further.

2. It is obvious from the counter affidavit filed by the respondents that they have discharged their obligation under the rehabilitation scheme that was evolved by the 1st respondent. There is nothing on record to discredit the averments in the counter affidavit. If that be so, at this distance of time petitioner cannot require this court to issue a direction to the respondents to extend the benefit of the scheme, which has already been discharged by the respondents.

The writ petition lacks merit and it is accordingly dismissed.

ANTONY DOMINIC, JUDGE

vps